IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 13296 of 2004

Between:

1 Vaddadi Lakshmana Rao, S/o Narasimha Murthy,
R/o Cheepurupalli P.O.and Mandal, Vizianagaram District
2 Nittala Venkata Satya Prabhavathi, W/o Jayaramanarayana,
R/o Cheepurupalli P.O.and Mandal, Vizianagaram District
3 Jakkamsetty Pani Bhaskar, S/o Bheemeswara Rao,
R/o Cheepurupalli P.O.and Mandal, Vizianagaram District
4 Biccavolu Somaraju, S/o Nageswara Rao,
R/o Cheepurupalli P.O.and Mandal, Vizianagaram District
5 Pothula Ramu, S/o Dibbinaidu,
R/o Cheepurupalli P.O.and Mandal, Vizianagaram District

..... PETITIONERS

AND

1 The Mandal Revenue Officer, Cheepurupalli P.O., Vizianagaram District
2 The District Collector, Vizianagaram

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction in the nature of Mandamus declaring the action of the 1st respondent in recommending to the 2nd respondent to allot 0.20 cents out of 0.30 cents in S.No.138/5 in Cheepurupalli town belonging to the petitioners for construction of school of Theatre Arts wrongly treating the petitioners patta land as Vagu Poramboku contrary to Pattadar pass book, Pattadar title deeds and awards of Lok Adalat, Vizianagaram in P.L.C.No.11/2003 dated 13-6-2003 as being illegal,

unjust, arbitrary and violative of Art.14 and 21 of the constitution of India

Counsel for the Petitioner: MR.E.V.BHAGIRATHA RAO, Advocate.

Counsel for the Respondents: Govt. Pleader for REVENUE.

The Court made the following:

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Oral Order:

Heard the learned counsel for the petitioners and also learned Government Pleader for Revenue.

Rule Nisi.

The M.R.O., Cheepurupalli addressed a letter No.125/2004 dated 06-06-2004 to the District Collector, Vizianagaram for allotment of 20 gts. of land, out of 30 gts., in Sy.No.138/5 of Cheepurupalli town belonging to the petitioner for constriction of school of Theatre Arts wrongly showing it as Vagu Poramboku. Questioning the same the present writ petition is filed by the petitioner contending that one Bathanna Appalaswamy purchased Ac.0.30 gts. under a registered sale deed dated 08-12-1983 for which revenue authorities issued pattadar pass books in the name of his wife Smt.Battana Appayamma. Since there is dispute between the petitioners and Battana Appayamma and her husband and sons, the matter was referred to Lok Adalat where an award was passed, and as per the Award petitioners got the property in Sy.No.138/5. In view of the same, petitioners, who are the owners of the property under the Award, cannot be dispossessed pursuant to the proposal sent by the MRO in his letter dated 06-06-2004.

Admittedly, the revenue officials are not parties to the above Award. If the petitioners have any claim over the said property, it is open for them to file a representation/application to the District Collector claiming right and title over the said property within two weeks from today and on making such

representation/application the District Collector shall consider the same and pass appropriate orders after due notice to the petitioners.

The writ petitioner is accordingly disposed of. No costs.

_____ A.GOPAL REDDY, J.

29-07-2004

Note: Issue CC by Monday.

(bo)

Murthy

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Mandal Revenue Officer, Cheepurupalli P.O., Vizianagaram District
2 The District Collector, Vizianagaram

3. Two CCs to the Government Pleader for Revenue, High Court

Buildings, Hyderabad (OUT).

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